

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MICHIGAN-SOUTHERN DIVISION**

IN RE:

RANDAL L. BERKOBIEEN &
GAIL A. BERKOBIEEN,

Debtors.

Case No.: BG 15-01530
Chapter 13
Hon. James W. Boyd
Filed: March 18, 2015

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DEBTORS' FIRST PRE-CONFIRMATION AMENDMENT TO CHAPTER 13 PLAN

NOW COME THE DEBTORS and amend the Chapter 13 plan as follows:

_____ There is a current monthly mortgage payment to be paid in the plan. This allows the mortgage holder to notify the Trustee of any payment increase due to escrow or interest rate change. The Trustee is authorized to automatically increase the plan payment to an amount sufficient to cover the increased mortgage payment and additional Trustee fee. Any wage order in place shall be automatically amended to include this increase. The arrearage listed in the plan is an estimate. Any claim for an arrearage shall be allowed as filed, and Debtor(s) has/have the burden of objecting to such allowance.

_____ The Debtor(s) hereby agree to amend the plan payments to the Trustee from \$_____ per month to \$_____ per month.

_____ The Debtor(s) agree(s) to, in satisfaction of the Trustee's ability to object to confirmation regarding the provisions of 11 U.S.C. 1325(b)(1)(B), pay all disposable income, as disposable income is defined in 11 U.S.C. 1325(b)(2), into the plan, to make payments under the plan, for a period of not less than three years, beginning on the date the first payment is due under the plan. This includes, but is not limited to, the turnover of any income tax refund entitlements during the first three years of the plan.

 X Creditor **Zolton Law Offices, P.C.**, shall be treated, for purposes of distribution under the plan, as secured in the amount of \$3,962.00, with the balance of any allowed claim to be treated only as a general, non-priority unsecured claim. Interest will be paid on the secured portion of the claim at 0%, or the contract rate, whichever rate shall be the lesser. The claim will be paid \$50.00 per month plus a pro rata share of any additional funds available. Any balance remaining will survive discharge.

 X Creditor **Charles Berkobien** shall be treated, for purposes of distribution under the plan, as secured in the amount of \$10,182.56, with the balance of any allowed claim to be treated only as a general, non-priority unsecured claim. Interest will be paid on the secured portion of the claim at 0%, or the contract rate, whichever rate shall be the lesser. The claim will be paid \$50.00 per month plus a pro rata share of any additional funds available. Any balance remaining will survive discharge.

 X Creditor **Michael Berkobien** shall be treated, for purposes of distribution under the plan, as secured in the amount of \$1,468.87, with the balance of any allowed claim to be treated only as a general, non-priority unsecured claim. Interest will be paid on the secured portion of the claim at 0%, or the contract rate, whichever rate shall be the lesser. The claim will be paid \$50.00 per month plus a pro rata share of any additional funds available. Any balance remaining will survive discharge.

_____ If the plan is confirmed as a 100% plan for unsecured creditors, and is ever modified to reduce such dividend below 100%, and the Debtor(s) is/are making voluntary contributions to a 401(k) or similar plan, and/or making voluntary repayments on a loan taken out against the 401(k) or similar plan, the Debtor(s) hereby agree(s) to:

(a) Current contributions to the plan shall cease on the date the plan is modified to a less than 100% plan, and the Chapter 13 plan payment shall increase by that amount, and,

(b) The Trustee has a reserved right to bring any action pursuant to the Trustee's avoidance powers, as defined by the Code, with respect to pre- or post-petition contributions and/or loan repayments made from the inception of the case until amended to a less than 100% plan. The Debtor(s) agree(s) that the provisions of 11 U.S.C. 546 are expressly waived if the plan is modified after two years after entry of the Order for Relief.

_____ Other: All allowed general unsecured creditors will receive a dividend of 100%. If necessary, Debtor will pay in tax refunds and exempt proceeds from the sale of her home to ensure the Plan remains feasible and completes within 60 months.

In all other respects, the Plan previously filed remains unchanged.

Dated: June 15, 2015

Debtor: /S/ Randal L. Berkobien
Randal L. Berkobien

Dated: June 15, 2015

Debtor: /S/ Gail A. Berkobien
Gail A. Berkobien